

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

<p>ERNEST C. HARPER,</p> <p style="text-align:center">Petitioner,</p> <p style="text-align:center">v.</p> <p>ROBERT P. HOUSTON, Director</p> <p>Nebraska Department of Corr., FRED</p> <p>BRITTEN, Warden, Tecumseh</p> <p>Correctional Inst., and NEBRASKA</p> <p>DEPARTMENT OF CORRECTIONAL</p> <p>SERVICES,</p> <p style="text-align:center">Respondents.</p>	<p>)</p>	<p style="text-align:center">CASE NO. 8:11CV324</p> <p style="text-align:center">ORDER</p>
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This matter is before the court on Petitioner's Motion for Reconsideration (Filing No. [21](#)) and Motion for Certificate of Appealability (Filing No. [22](#).) On March 9, 2012, the court determined that Parts 1 and 2 of the claim set forth in Petitioner's Petition for Writ of Habeas Corpus ("Petition") were successive. (Filing No. [20](#).) The court granted Petitioner until April 6, 2012, in which to either amend his Petition to delete these claims or seek authorization from the Eighth Circuit Court of Appeals to proceed on these successive claims. (*Id.*)

The court has carefully reviewed the record and Petitioner's pending Motions and finds no reason to reconsider or revise any part of its previous Memorandum and Order. As such, the Motions are denied, and Petitioner shall have until April 6, 2012, in which to comply with the court's March 9, 2012, Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Reconsideration (Filing No. [21](#)) and Motion for Certificate of Appealability (Filing No. [22](#)) are denied;

2. In accordance with the court's March 9, 2012, Memorandum and Order, Petitioner shall have until April 6, 2012, to either amend his Petition to delete the successive claims (Parts 1 and 2 of his claim), or to seek authorization from the Eighth Circuit Court of Appeals to proceed on these successive claims; and
3. In the event that Petitioner takes no action by April 6, 2012, the court will dismiss Parts 1 and 2 of Petitioner's habeas claim and will progress this matter on the merits of Part 3 only.

DATED this 30th day of March, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge

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